

COMMITTEE ON BANKING AND INSURANCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2160

(Reference to printed bill)

Page 1, between lines 1 and 2, insert:

"Section 1. Section 20-1057.03, Arizona Revised Statutes, is amended to read:

20-1057.03. Chiropractic care; definitions

A. Every health care services organization shall provide coverage for chiropractic services provided by network chiropractic providers pursuant to this section.

B. A health care services organization is not required to provide coverage for chiropractic services obtained from a provider who is not a member of the health care services organization's provider network.

C. An enrollee may obtain medically necessary chiropractic services from a network chiropractic provider through self-referral for a minimum of twelve visits in an annual contract period, unless the enrollee's evidence of coverage with the health care services organization allows for additional visits or benefits.

D. This section does not:

1. Require a health care services organization to provide services that are not covered by the enrollee's evidence of coverage and does not diminish or impair any preexisting condition limitation in the evidence of coverage.

2. Prohibit an enrollee from seeking chiropractic services in addition to the limits prescribed in this section from any chiropractic provider if the enrollee accepts financial responsibility for those services.

E. ~~Nothing in~~ This section ~~prohibits~~ DOES NOT PROHIBIT the use of deductibles, coinsurance, copayments or other cost sharing in relation to the chiropractic benefits offered.

F. For the purposes of this section:

1 1. "Chiropractic services" means only nonsurgical and noninvasive
2 treatment of neck and back pain through ~~physiotherapy~~ PHYSICAL MEDICINE
3 MODALITIES AND THERAPEUTIC PROCEDURES, musculoskeletal manipulation and other
4 physical corrections of musculoskeletal conditions within the scope of the
5 chiropractic practice.

6 2. "Musculoskeletal" means any function of the musculoskeletal system
7 that is integrated with neurological function and is expressed by biological
8 regulatory mechanisms.

9 3. "Network chiropractic provider" means a chiropractic physician who
10 is licensed pursuant to title 32, chapter 8 and who is under written contract
11 with the health care services organization to provide services pursuant to
12 this section.

13 4. "Self-referral" means obtaining treatment by a provider without
14 referral from a primary care physician.

15 Sec. 2. Section 32-922.02, Arizona Revised Statutes, is amended to
16 read:

17 32-922.02. Specialties; certification; fees

18 A. In order to practice a chiropractic specialty a licensee shall be
19 certified in that specialty by the board.

20 B. An applicant who wishes to be certified to perform acupuncture
21 shall submit the following to the board:

22 1. Documentation of successful completion of a minimum of one hundred
23 hours of study in acupuncture at an accredited chiropractic college or
24 postgraduate study with an instructor on the active or postgraduate staff of
25 an accredited chiropractic college.

26 2. A complete application as prescribed by the board.

27 3. Documentation of having passed a board approved acupuncture
28 examination.

29 C. An applicant who wishes to be certified to perform ~~physiotherapy~~
30 PHYSICAL MEDICINE MODALITIES AND THERAPEUTIC PROCEDURES shall submit the
31 following to the board:

32 1. A complete application as prescribed by the board.

1 2. Documentation of successful completion of a minimum of one hundred
2 twenty hours of study in ~~physiotherapy~~ PHYSICAL MEDICINE MODALITIES AND
3 THERAPEUTIC PROCEDURES at an accredited chiropractic college or postgraduate
4 study with an instructor on the active or postgraduate staff of an accredited
5 chiropractic college.

6 3. Documentation of having passed an examination in ~~physiotherapy~~
7 PHYSICAL MEDICINE MODALITIES AND THERAPEUTIC PROCEDURES that is approved by
8 the board.

9 D. The board shall issue a certificate to any applicant who meets the
10 requirements of this section, who correctly answers at least seventy-five per
11 cent of all questions asked on the specialty examination and who pays a
12 certificate fee of one hundred dollars.

13 E. On making application, the applicant shall pay to the executive
14 director of the board a nonrefundable fee of one hundred dollars. The board
15 shall keep a register of all applicants and the result of each examination.

16 F. A CHIROPRACTOR WHO IS CERTIFIED IN A SPECIALTY PURSUANT TO THIS
17 SECTION BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IS DEEMED
18 TO BE CERTIFIED IN PHYSICAL MEDICINE MODALITIES AND THERAPEUTIC PROCEDURES.

19 Sec. 3. Section 32-924, Arizona Revised Statutes, is amended to read:

20 32-924. Grounds for disciplinary action; hearing; civil
21 penalty; definition

22 A. The following are grounds for disciplinary action, regardless of
23 where they occur:

24 1. Employment of fraud or deception in securing a license.

25 2. Practicing chiropractic under a false or assumed name.

26 3. Impersonating another practitioner.

27 4. Habitual use of alcohol, narcotics or stimulants to the extent of
28 incapacitating the licensee for the performance of professional duties.

29 5. Unprofessional or dishonorable conduct of a character likely to
30 deceive or defraud the public or tending to discredit the profession.

31 6. Conviction of a misdemeanor involving moral turpitude or of a
32 felony.

1 7. Gross malpractice, repeated malpractice or any malpractice
2 resulting in the death of a patient.

3 8. Representing that a manifestly incurable condition can be
4 permanently cured, or that a curable condition can be cured within a stated
5 time, if this is not true.

6 9. Offering, undertaking or agreeing to cure or treat a condition by a
7 secret means, method, device or instrumentality.

8 10. Refusing to divulge to the board on demand the means, method,
9 device or instrumentality used in the treatment of a condition.

10 11. Giving or receiving or aiding or abetting the giving or receiving
11 of rebates, either directly or indirectly.

12 12. Acting or assuming to act as a member of the board if this is not
13 true.

14 13. Advertising in a false, deceptive or misleading manner.

15 14. ~~Refusal, revocation or suspension of~~ HAVING HAD a license REFUSED,
16 REVOKED OR SUSPENDED by any other state or country, unless it can be shown
17 that the action was not taken for reasons that relate to the ability to
18 safely and skillfully practice chiropractic or to any act of unprofessional
19 conduct.

20 15. Any conduct or practice contrary to recognized standards in
21 chiropractic or any conduct or practice that constitutes a danger to the
22 health, welfare or safety of the patient or the public or any conduct,
23 practice or condition that impairs the ability of the licensee to safely and
24 skillfully practice chiropractic.

25 16. Violating or attempting to violate, directly or indirectly, or
26 assisting in or abetting the violation of or conspiring to violate any of the
27 provisions of this chapter or any board order.

28 17. Failing to sign the physician's name, wherever required, in any
29 capacity as "chiropractic doctor", "chiropractic physician" or "doctor of
30 chiropractic" or failing to use and affix the initials "D.C." after the
31 physician's name.

1 18. Failing to place or cause to be placed the word or words
2 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic
3 physician" in any sign or advertising media.

4 19. Using ~~physiotherapy~~ PHYSICAL MEDICINE MODALITIES AND THERAPEUTIC
5 PROCEDURES without passing an examination in that subject and without being
6 certified in that specialty by the board.

7 20. Using acupuncture without passing an examination in that subject
8 and without being certified in that specialty by the board.

9 21. Engaging in sexual intercourse or oral sexual contact with a
10 patient in the course of treatment.

11 22. Billing or otherwise charging a patient or third party payor for
12 services, appliances, tests, equipment, an x-ray examination or other
13 procedures not actually provided.

14 23. Intentionally misrepresenting to or omitting a material fact from
15 the patient or third party payor concerning charges, services, appliances,
16 tests, equipment, an x-ray examination or other procedures offered or
17 provided.

18 24. Advertising chiropractic services, appliances, tests, equipment,
19 x-ray examinations or other procedures for a specified price without also
20 specifying the services, procedures or items included in the advertised
21 price.

22 25. Advertising chiropractic services, appliances, tests, equipment,
23 x-ray examinations or other procedures as free without also disclosing what
24 services or items are included in the advertised service or item.

25 26. Billing or charging a patient or third party payor a higher price
26 than the advertised price in effect at the time the services, appliances,
27 tests, equipment, x-ray examinations or other procedures were provided.

28 27. Advertising a specialty or procedure that requires a separate
29 examination or certificate of specialty, unless the licensee has satisfied
30 the applicable requirements of this chapter.

31 28. Solicitation by the licensee or by the licensee's compensated agent
32 of any person who is not previously known by the licensee or the licensee's

1 agent, and who at the time of the solicitation is vulnerable to undue
2 influence, including any person known to have experienced any of the
3 following within the last fifteen days:

4 (a) Involvement in a motor vehicle accident.

5 (b) Involvement in a work-related accident.

6 (c) Injury by, or as the result of actions of, another person.

7 B. The board on its own motion or on receipt of a complaint may
8 investigate any information that appears to show that a doctor of
9 chiropractic is or may be in violation of this chapter or board rules or is
10 or may be mentally or physically unable to safely engage in the practice of
11 chiropractic. The board shall notify the licensee as to the content of the
12 complaint as soon as is reasonable. Any person who reports or provides
13 information to the board in good faith is not subject to civil damages as a
14 result of that action.

15 C. The board may require a licensee under investigation pursuant to
16 this section to be interviewed by the board or its representatives. The
17 board may require a licensee who is under investigation pursuant to this
18 section to undergo, at the licensee's expense, any combination of medical,
19 physical or mental examinations that the board finds necessary to determine
20 the licensee's competence.

21 D. If the board finds based on the information it receives under
22 subsections B and C that the public health, safety or welfare imperatively
23 requires emergency action, and incorporates a finding to that effect in its
24 order, the board may order a summary suspension of a license pending
25 proceedings for revocation or other action. If the board takes this action
26 it shall also serve the licensee with a written notice that states the
27 charges and that the licensee is entitled to a formal hearing within sixty
28 days.

29 E. If, after completing its investigation, the board finds that the
30 information provided pursuant to this section is not of sufficient
31 seriousness to merit disciplinary action against the licensee, it may take
32 any of the following actions:

1 1. Dismiss the complaint if in the board's opinion the information is
2 without merit or does not warrant sanction of the licensee.

3 2. Issue an advisory letter. An advisory letter is a nondisciplinary
4 action and is a public document.

5 3. Issue a nondisciplinary order requiring the licensee to complete a
6 prescribed number of hours of continuing education in an area or areas
7 prescribed by the board to provide the licensee with the necessary
8 understanding of current developments, skills, procedures or treatment.
9 Failure to complete a nondisciplinary order requiring continuing education is
10 a violation of subsection A, paragraph 16.

11 F. The board may request a formal interview with the licensee
12 concerned. At a formal interview the board may receive and consider
13 pertinent documents and sworn statements of persons who may be called as
14 witnesses in a formal hearing. Legal counsel may be present and participate
15 in the formal interview. If the licensee refuses the request or if the
16 licensee accepts the request and the results of the interview indicate
17 suspension or revocation of the license may be in order, the board shall
18 issue a complaint and order that a hearing be held pursuant to title 41,
19 chapter 6, article 10. If, after the formal interview, the board finds that
20 the information provided pursuant to this section is true but is not of
21 sufficient seriousness to merit suspension or revocation of the license, it
22 may take any of the following actions:

23 1. Dismiss the complaint if in the board's opinion the information is
24 without merit or does not warrant sanction of the licensee.

25 2. Issue an advisory letter. An advisory letter is a nondisciplinary
26 action and is a public document.

27 3. Issue an order to cease and desist.

28 4. Issue a letter of concern.

29 5. Issue an order of censure. An order of censure is an official
30 action against the licensee and may include a requirement for restitution of
31 fees to a patient resulting from a violation of this chapter or board rules.

1 6. Fix a period and terms of probation best adapted to protect the
2 public health and safety and to rehabilitate or educate the licensee. Any
3 costs incidental to the terms of probation are at the licensee's own expense.
4 Probation may include restrictions on the licensee's license to practice
5 chiropractic.

6 7. Impose a civil penalty of not more than one thousand dollars for
7 each violation of this chapter.

8 8. Refuse to renew a license.

9 9. Issue a disciplinary or nondisciplinary order requiring the
10 licensee to complete a prescribed number of hours of continuing education in
11 an area or areas prescribed by the board to provide the licensee with the
12 necessary understanding of current developments, skills, procedures or
13 treatment.

14 G. If the board believes the charge is of such magnitude as to warrant
15 suspension or revocation of the license, the board shall immediately initiate
16 formal revocation or suspension proceedings pursuant to title 41, chapter 6,
17 article 10. The board shall notify a licensee of a complaint and hearing by
18 certified mail addressed to the licensee's last known address on record in
19 the board's files. The notice of a complaint and hearing is effective on the
20 date of its deposit in the mail. The board shall hold a formal hearing
21 within one hundred eighty days after that date.

22 H. If the licensee wishes to be present at the formal hearing in
23 person or by representation, or both, the licensee shall file with the board
24 an answer to the charges in the complaint. The answer shall be in writing,
25 verified under oath and filed within twenty days after service of the
26 complaint.

27 I. Any licensee who, after a hearing, is found to be in violation of
28 this chapter or board rules or is found to be mentally or physically unable
29 to safely engage in the practice of chiropractic is subject to any
30 combination of those disciplinary actions identified in subsection F or
31 suspension or revocation of the license. In addition, the board may order

1 the licensee to pay restitution or all costs incurred in the course of the
2 investigation and formal hearing in the matter, or both.

3 J. The board shall report allegations of evidence of criminal
4 wrongdoing to the appropriate criminal justice agency.

5 K. The board may accept the surrender of an active license from a
6 licensee who admits in writing to having violated this chapter or board
7 rules.

8 L. For the purposes of this section, "solicitation" includes contact
9 in person, by telephone, telegraph or telefacsimile or by other communication
10 directed to a specific recipient and includes any written form of
11 communication directed to a specific recipient."

12 Renumber to conform

13 Amend title to conform

and, as so amended, it do pass

NANCY MCLAIN
Chairman

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